

Pro Se 7 2016

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MAY 15 2018 DJ

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

18 CV 00696 RSM

Mark Mayes
3405 N.E. 84th St
Seattle WA

Plaintiff(s),

v.

ACE Parking
411 University St
Seattle, WA 98101

Defendant(s).

CASE NO. _____
[to be filled in by Clerk's Office]

COMPLAINT FOR EMPLOYMENT
DISCRIMINATION

Jury Trial: ☐ Yes ☐ No

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Mark Mayes</u>
Street Address	<u>3405 N.E. 84th St</u>
City and County	<u>Seattle King</u>
State and Zip Code	<u>WA 98115</u>
Telephone Number	<u>313.718.3749</u>

If p N/iss

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1 B. Defendant(s)

2 Provide the information below for each defendant named in the complaint, whether the
 3 defendant is an individual, a government agency, an organization, or a corporation. For an
 4 individual defendant, include the person's job or title (if known). Attach additional pages if
 5 needed.

6 Defendant No. 1

7 Name

Alexander Ohashi

8 Job or Title (if known)

Manager

9 Street Address

411 University St

10 City and County

Seattle, King

11 State and Zip Code

WA 98115

12 Telephone Number

206.621.1700 x31005

13 Defendant No. 2

14 Name

15 Job or Title (if known)

16 Street Address

17 City and County

18 State and Zip Code

19 Telephone Number

20 Defendant No. 3

21 Name

22 Job or Title (if known)

23 Street Address

24 City and County

State and Zip Code

Telephone Number

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☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (specify the federal law):

☐ Relevant state law (specify, if known):

☐ Relevant city or county law (specify, if known):

III. STATEMENT OF CLAIM

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

At the fairmont hotel I was subject to retaliatory conduct. In December 2017, I had my work schedule reduced from full time to 1 day a week. This happened three days after a protected action. I made a complaint that a coworker made a racist remark. Alex retaliated against me. On my hiring day I was told I would work full time. I quit the job because I wasn't able to pay rent. I was subject to disparate treatment.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.

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☐ Other acts (specify): _____

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

C. I believe that defendant(s) (check one):

☐ is/are still committing these acts against me.

☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒ race

☒ color

☐ gender/sex

☐ religion

☐ national origin

☐ age (year of birth) (only when asserting a claim of age discrimination.)

☐ disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

Illegal employment practice and retaliation

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

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1 **IV. EXHAUSTION OF FEDERAL ADMINISTRATIVE REMEDIES**

2 A. It is my best recollection that I filed a charge with the Equal Employment Opportunity
3 Commission or my Equal Employment Opportunity counselor regarding the defendant's
4 alleged discriminatory conduct on *(date)*

5 2018 January

6 _____

7 _____

8 B. The Equal Employment Opportunity Commission *(check one)*:

- 9 ☐ has not issued a Notice of Right to Sue letter.
- 10 ☒ issued a Notice of Right to Sue letter, which I

received on *(date)*

11 4/23/18

12 *(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment*
13 *Opportunity Commission to this complaint.)*

14 C. Only litigants alleging age discrimination must answer this question.

15 Since filing my charge of age discrimination with the Equal Employment Opportunity
16 Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- 17 ☐ 60 days or more have elapsed.
- 18 ☐ less than 60 days have elapsed.

19 **V. RELIEF**

20 *State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do*
21 *not make legal arguments. Include any basis for claiming that the wrongs alleged are*
22 *continuing at the present time. Include the amounts of any actual damages claimed for the acts*
23 *alleged and the basis for these amounts. Include any punitive or exemplary damages claimed,*
24 *the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

25 Monetary damages + punitive damages = 1,000,000\$

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VI. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/15/18

Signature of Plaintiff [Signature]

Printed Name of Plaintiff Mark Mayes

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Mark S. Mayes**
3405 NE 84th
Seattle, WA 98115

From: **Seattle Field Office**
909 First Avenue
Suite 400
Seattle, WA 98104-1061



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

551-2018-01169

Elizabeth Cannon,
Intake Supervisor

(206) 220-6861**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

E Cannon For

Nancy A. Sienko,
Director

APR 23 2018

(Date Mailed)

Enclosures(s)

cc:

ACE PARKING
Attn: Personnel Administrator
411 University St
Seattle, WA 98101

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.